

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LOGAN PAUL,

Plaintiff,

v.

STEPHEN FINDEISEN and COFFEE
BREAK PRODUCTIONS, LLC,

Defendants.

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Civil Action No. 5:24-CV-00717

**DEFENDANTS' SECOND MOTION TO EXTEND DEADLINE TO RESPOND TO
PLAINTIFF'S MOTION TO COMPEL**

TO THE HONORABLE COURT:

Defendants Stephen Findeisen and Coffee Break Productions, LLC. (collectively, “**Defendants**”), file this Motion to Extend Deadline to Respond to Plaintiff Logan Paul’s Motion to Compel Documents Relevant to Defendants’ Actual Malice and in support respectfully show:

1. On January 17, 2025, Plaintiff filed a Motion to Compel Documents Relevant to Defendants’ Actual Malice seeking Defendants’ production of privileged “communications between Paul and others, regarding Paul’s involvement with the CryptoZoo project, that Defendants possessed when they published the libels at issue in this case.” *See* ECF No. 26.

2. In addition to the pending Motion to Compel, the parties have been conferring on other related discovery issues, including Defendants’ claims of privilege, Plaintiff’s designations under the protective order, and both parties’ document production. The parties have had various calls on these topics, the most recent one being on Tuesday, January 28, 2025. During that call, the parties discussed the Defendants’ assertion of the journalistic

privilege (i.e., the same one challenged in the pending Motion to Compel), and agreed to try and resolve the dispute as follows:

Plaintiff's Email to Defendants:

As to the issues raised in my letter of January 21 with respect to Defendants' privilege log, Defendants have offered to provide a declaration that provides a greater level of detail as to the nature and subject matter of the documents being withheld under a qualified privilege. Without conceding that is sufficient, Plaintiff has agreed to explore whether that can resolve the issue. Defendants will provide by Monday a working draft of that declaration with examples so that we can understand what information you are proposing to provide and see if it makes sense to continue to explore this potential resolution of the dispute.

See Exhibit A.

Due to lead counsel in this case also being lead counsel in a two-week jury trial that begins on Monday, February 3, 2025,¹ and co-counsel being abroad on prescheduled travel plans, the parties agreed Plaintiff could have until Monday, February 3, 2025 to provide the initial information, after which the parties could "see if it makes sense to continue to explore this potential resolution." See *id.* The parties set February 14, 2025 as the mutual deadline for both sides to cure other alleged discovery deficiencies. The parties did not expressly discuss an extension of the Defendants' response deadline to the pending Motion to Compel, but the discussion over resolving the privilege issue necessarily included the privilege issues raised in the Motion.

3. When Defendants' counsel realized this oversight, she immediately reached out to Plaintiff's counsel to confirm the agreed deadline to respond to the Motion to Compel would also be February 14, 2025, "so it lines up with the other deadlines" agreed to in the

¹ *Robert Boothe, et al. v. Nils F. Booth, et al.*, Cause No. 28,533, in the 2nd and 25th Judicial District of Gonzales County.

phone call. *See Exhibit B.* Plaintiff did not agree to the extension, meaning Defendants would have to respond to a pending motion the parties are actively trying to resolve.

4. Given the importance of the privilege issues in the Motion to Compel, and the parties' ongoing efforts resolve or limit the issues, Defendants request an additional two weeks, to February 14, 2025, to respond to the Motion to Compel. Counsel for Defendants conferred with counsel for Plaintiff and Plaintiff is opposed to the relief sought.

5. Having shown good cause, Defendants request the Court grant this motion. Fed. R. Civ. P. 6(b)(1)(A); *McCarty v. Thaler*, 376 F. App'x 442, 443 (5th Cir. 2010).

6. This relief requested is sought not for the purposes of delay but so that justice may be done.

RELIEF REQUESTED

7. WHEREFORE, Defendants respectfully request the Court grant this Motion to Extend and extend Defendants' deadline to respond to Plaintiff's Motion to Compel to **February 14, 2025**.

Dated: January 31, 2025.

Respectfully submitted,

DAVIS & SANTOS, PLLC

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*Attorneys for Defendants Stephen Findeisen
and Coffee Break Productions, LLC*

CERTIFICATE OF CONFERENCE

I certify that on January 31, 2025, counsel for Defendants Stephen Findeisen and Coffee Break Productions, LLC conferred with counsel for Plaintiff and Plaintiff is opposed to the relief sought.

/s/ Caroline Newman Small
Caroline Newman Small

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2025, the foregoing document was served on all counsel of record via the Court's ECF system.

/s/ Caroline Newman Small
Caroline Newman Small